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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,223	08/10/2000	Jenn-Tsair Tsai	4504-013	6462

7590

05/05/2004

Lowe Hauptman Gopstein Gilman & Berner LLP
Suite 310
1700 Diagonal Road
Alexandria, VA 22314

EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 05/05/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,223

Applicant(s)

TSAI ET AL.

Examiner

Negussie Worku

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3-10 is/are allowed.
- 6) ☒ Claim(s) 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Negussie

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11,12, 17, are rejected under 35 U.S.C. 102(e) as being anticipate by Tsai et al, (USP 6557762).

With respect to claim 11, Tsai et al. discloses an apparatus for optimizing the best resolution of an optical scanning device, (as shown in fig 2-5) said optical scanning device (scanning module 32 of fig 3) including an image capturing device, (image

generating device 320 of fig 1) a lens, (lens 322 of fig 3) a document glass (glass plate 321 of fig 3) and conveying device, said conveying device able to move said image capturing device, (320 of fig 3) said apparatus comprising: a calibration device, (correction document 34 of fig 3, have drawings and lines printed on he correction document for an adjustment purpose, see col.3, lines 35-38, and used as a calibration device) placed on said document glass, (document glass 321 of fig 3) said calibration device (correction document 34 of fig 3, includes drawings and lines printed on he correction document for an adjustment purpose, see col.3, lines 35-38, and used as a calibration device) containing at least four prints, (a reference lines printed on correction document 34 of fig 3, as reference line for the purpose of alignment, adjustment and calibration, as discussed see col.3, lines 37-39) such as a right side horizontal calibration print, a right side vertical calibration print, a left side horizontal calibration print and a left said vertical calibration print, see (col.3, lines 35-38).

With respect to claim 12, Tsai et al. discloses the apparatus (as shown in fig 3) further comprising: an adjusting device, (correction document 34 of fig 3) connected to said image capturing device, (image generating device 320 of fig 3) for receiving image signals of said image capturing device, (32 of fig 3) calculating relative MTF values, see (col.3, lines 31-32, distance is calculated) and generating a referencing parameter, see col.3, lines 30-35, and 44-50.

With respect to claim 17, Tsai et al., discloses the apparatus (as shown in fig 3) wherein said adjusting device (correction document 34 of fig 3, which includes line, for a correction) further comprising a display (output device, see col.3, lines 44-45, the acquired value of MTF displayed by output device for displaying to analyze image with respect to reference value) for displaying said referencing parameters, see (col.3, lines 44-49)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al. (USP 6557762), in view of Wield (USP 6016207).

With respect to claim 13, Tsai et al., does not disclose wherein said right side horizontal calibration print is positioned on the right side of said calibration device, and contains a plurality of parallel lines which are perpendicular to the horizontal direction.

However, Wield, in the same area of calibration of optical system regarding calibration print, see (fig 5-8), teaches wherein said right side horizontal calibration print (pattern 505 of fig 5) is positioned on the right side of said and contains a plurality of parallel lines which are perpendicular to the horizontal direction, see (col.4, lines 25-33).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image scanning apparatus system of Tsai et al. to include: calibration print that contains a plurality of parallel lines which are perpendicular to the horizontal direction.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image scanning apparatus system of Tsai et al. by the teaching of Wield (6016207), because it would have provided users a method that includes a calibration print (pattern) that can be used to adjust the scanner for the purpose of increasing the depth of the scanning field to get a better quality of scanned image.

With respect to claim 14, Tsai does not disclose wherein said right side vertical calibration print is positioned on the right side of said calibration device, and contains a plurality of parallel lines which are inclined with the horizontal direction by a predetermined angle.

However, Wield, in the same area of calibration of optical system regarding calibration print, see (fig 5-8), teaches wherein said vertical side calibration print (pattern 505 of fig 5) is positioned on the right side of said and contains a plurality of parallel lines which are inclined with the horizontal direction by a predetermined angle, see (col.4, lines 25-33).

Therefore, it would have been obvious to a person with ordinary skill in the art at

the time the invention was made to have modified the image scanning apparatus system of Tsai et al. to include: calibration print that contains a plurality of parallel lines which are inclined to the horizontal direction by a predetermined angle.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image scanning apparatus system of Tsai et al. by the teaching of Wield (6016207), because it would have provided users a method that includes a calibration print (pattern) that can be used to adjust the scanner for the purpose of increasing the depth of the scanning field to get a better quality of scanned image.

With respect to claim 15, Tsai et al., does not disclose wherein said left side vertical calibration print is positioned on the left side of said calibration device, and contains a plurality of parallel lines which are perpendicular to the horizontal direction of said calibration device.

However, Wield, in the same area of calibration of optical system regarding calibration print, see (fig 5-8), teaches wherein said vertical side calibration print (505 of fig 5) is positioned on the right side of said and contains a plurality of parallel lines (pattern 55 of fig 5, are in parallel) which are inclined with the horizontal direction by a predetermined angle, see (col.4, lines 25-33).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image scanning apparatus

system of Tsai et al. to include: calibration print that contains a plurality of parallel lines which are perpendicular to the horizontal direction.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image scanning apparatus system of Tsai et al. by the teaching of Wield (6016207), because it would have provided users a method that includes a calibration print (pattern) that can be used to adjust the scanner for the purpose of increasing the depth of the scanning field to get a better quality of scanned image.

With respect to claim 16, Tsai does not disclose the wherein said left side vertical calibration print is positioned on the left side of said calibration device, and contains a plurality of parallel lines which are inclined with the horizontal direction of said calibration device by a predetermined angle.

However, Wield, in the same area of calibration of optical system regarding calibration print, see (fig 5-8), teaches wherein said left side vertical calibration print (505 of fig 5) is positioned on the left side and contains a plurality of parallel lines (pattern 55 of fig 5, are in parallel) which are inclined with horizontal direction of said calibration device by a predetermined angle, see (col.4, lines 25-33).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image scanning apparatus system of Tsai et al. to include: calibration print that contains a plurality of parallel lines which are inclined to the a predetermined angle.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image scanning apparatus system of Tsai et al. by the teaching of Wield (6016207), because it would have provided users a method that includes a calibration print (pattern) that can be used to adjust the scanner for the purpose of increasing the depth of the scanning field to get a better quality of scanned image.

6. Claims 18 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al., in view Wield (USP 6026207), further in view of well known prior art (MPEP 2144.03).

With respect to claims 18, Tsai et al., fail to specifically disclose wherein said display is light indicating type for displaying said referencing parameter.

The examiner takes official notice of that it is well known in the art that display is light indicating type for displaying reference parameter.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tsai et al. (USP 557762) in view of Wield (USP 6016207) with display is a light indicating type.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a light indicating type display for the purpose of giving a blinking or a light indicating signal a user to make aware of data is displayed on the display means for further use.

With respect to claim 19, Tsai et al., fail to specifically disclose wherein said display is digital type for display.

The examiner takes official notice of that it is well known in the art that display is digital type for displaying reference parameter.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tsai et al. (USP 557762) in view Wield (USP 6016207) with digital type display.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a digital type display for the purpose of displaying the calculated numerically outputted reference value.

Allowable Subject Matter

7. The following is a statement of reasons for the indication of allowable subject matter: claims 1, 3-10 are allowed for the reasons that an independent claim1 has been amended by applicant to include claim 2 to place the application in condition for allowance. In the last office action claims 2 and 3-6 have been indicated as containing allowable subject matter.

Therefore, claims 1, 3-10 are allowed for the reason that the prior art does not disclose wherein said reference parameter is the sum of the values of said right side horizontal MTF said right side vertical MTF, said left side horizontal MTF and said left side vertical MTF.

Response to the Arguments

8. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

With respect to applicant's response filed March 03, 2004 Examiner still believe that the cited references or prior arts used in the last office action still read on the claimed invention specifically as discussed above in claims 11-19.

Therefore, for the reasons noted above the rejection with respect to claims 1-19 have been maintained and the office action is final.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

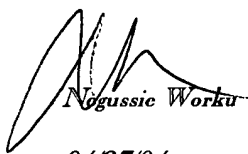
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communication from Examiner should be directed to *Negussie Worku* whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, **Kimberly Williams**, can be reached on (703) 305-4863.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Negussie Worku
04/27/04


MARK WALLERSON
PRIMARY EXAMINER